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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,348	12/14/2000	Elmootazbellah Nabil Elnozahy	AUS9-2000-0514-US1	8925

47959 7590 12/23/2004

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/736,348

**Applicant(s)**

ELNOZAHY ET AL.

**Examiner**

Anita Choudhary

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20041209</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-48 are pending.

#### ***Priority***

No claim priority to previous application has been made in this application.

The effective filing date for the subject matter defined in the pending claims in the application is December 14, 2004.

#### ***Specification***

The disclosure is objected to because of the following informalities:

On page 1 line 8, please include serial number of referenced patent application.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 12, 13, 17, 28, 29, 33, 44, and 45 are rejected under 35 U.S.C. 102(a) as being anticipated by Klein et al. (US 6,484,129).

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In referring to claim 1, 17, and 33, Klein shows an end-to-end response time measurement for computer programs calculated by subtracting a start time from a stop time.

Klein shows:

- providing first instructions (window event) attached to a first block of information (GUI), wherein the block of information is available for requesting by a client from a network, and the first instructions are for causing the client to read a first reference time (start time), responsive to the client initiating access to a second block of information from the network (col. 3 lines 15-23 and col. 4 lines 26-29); and
- providing second instructions (window painting, updates, etc.) attached to the second block of information, wherein the second instructions are for causing the client to read a second reference time (stop time) responsive to the client loading the second block of information, and for causing the client to retrieve the first reference time and compute a time difference between the first and second reference times (col. 3 lines 23-27 and col. 4 lines 44-61).

In referring to claims 12, 28, and 44, Klein shows blocks of information are for the client to display in at least one window, and wherein such a window has a window name, the method comprising the step of: providing, in the first instructions, instructions for causing the client to append the first reference time to one of the window names (col. 5 lines 8-16).

In referring to claim 13, 29, and 45, Klein show, providing, in the second instructions, instructions for causing the client to parse the first reference time from the window name (col. 5 lines 50-54).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 9, 14-16, 18, 24, 25, 30-32, 34, 40, 41, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Glommen et al. (US 6,766,370).

In referring to claims 2, 18, and 34, although Klein shows substantial features of the claimed invention, as shown above, Klein does not specifically show a first instruction attached to a link. Nonetheless, this feature is well known in the art, and would have been an obvious modification to the system disclosed by Klein evidenced by Glommen.

In an analogous art, Glommen teaches an Internet website traffic analyzer which takes timestamps of a visitor's browser flow through a website (see summary, col. 4). Glommen shows first instructions are attached to a link in a first block of information, wherein the link references the second block of information, so that the first instructions are capable of being executed by the client upon loading information indicated by the link (fig. 4, col. 7 lines 40-49, col. 9 lines 66- col. 10 line 9).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Klein to employ the features shown by Glommen in order to track, record, and observe browser request patterns for web pages including the response time to transition from one website page to another (col. 4 line 36-42).

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In referring to claims 8, 9, 24, 25, 40, and 41, Glommen shows instruction for causing the client to store and read the first reference time in a cookie (col. 9 line 8-46).

In referring to claims 14, 30, and 46, Klein shows blocks of information are for the client to display in at least one window, and wherein such a window has a window name, the method comprising the step of: providing, in the first instructions, instructions for causing the client to append the first reference time to one of the window names (col. 5 lines 8-16).

In referring to claims 15, 31, and 47, Klein show, providing, in the second instructions, instructions for causing the client to parse the first reference time from the window name (col. 5 lines 50-54).

In referring to claims 16, 32, and 48, Klein shows providing a second reference to first instructions for the client, by the first instructions being also attached to the second block of information, wherein the second reference to the first instructions is for causing the client to read a third reference time, responsive to the client initiating access to a third block of information from the network, and causing the client to append the third reference time to one of the window names (col. 3 lines 56- col. 4 line 5; col. 4 line 62-col. 5 line 16; col. 5 line 42-62).

Claims 3, 4, 10, 11, 19, 20, 26, 27, 35, 36, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Bull (US 5,970,468).

In referring to claims 3, 19, and 35, although Klein shows substantial features of the claimed invention, as shown above, Klein does not specifically show page frame window for loading the first reference time. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Klein as evidenced by Bull.

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In an analogous art, Bull shows a method for tracking user productivity of users, wherein productivity is recorded according to start and end periods of activity (see summary, col. 2).

Bull shows a first instruction including instruction for causing the client to load the first reference time in a frame of the window (col. 6 lines 1-20). Maintaining a hidden frame is also a well known feature in GUI implementations.

Given these feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Klein to employ the feature shown by Bull in order to maintain a record keeping window using a user friendly time representation for tracking potential problems within in the network (See Bull, col. 2 lines 22-32).

In referring to claims 4, 20, and 36, Klein shows second instruction including instructions for causing the client read the first reference time in the hidden frame of the window (col. 6 lines 1-20).

In referring to claims 10, 26, and 42, Bull shows first instructions for causing the client to open a window and store the first reference time in the window (col. 6 lines 1-20).

In referring to claim 11, 27, and 43, Bull shows second instruction for causing the client to read the first reference time in the window (col. 6 lines 1-20).

Claims 5-7, 21-23, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Glommen et al. (US 6,766,370) in further view of Bull (US 5,970,468).

In referring to claims 5, 21, and 37, although the combined teachings of Klein and Glommen shows substantial features of the claimed invention, as discussed above, it fails to

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disclose page frame window for loading the first reference time. Nonetheless, this feature is well known in the art and would have been an obvious modification of to the system shown by Klein and Glommen as evidenced by Bull.

In an analogous art, Bull shows a method for tracking user productivity of users, wherein productivity is recorded according to start and end periods of activity (see summary, col. 2). Bull shows a first instruction including instruction for causing the client to load the first reference time in a frame of the window (col. 3 lines 27-31). Maintaining a hidden frame is also a well known feature in GUI implementations.

Given these feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Klein to employ the feature shown by Bull in order to maintain a record keeping window using a user friendly time representation for tracking potential problems within in the network (See Bull, col. 2 lines 22-32).

In referring to claims 6, 22, and 38, Klein shows second instruction including instructions for causing the client read the first reference time in the hidden frame of the window (col. 6 lines 1-20).

In referring to claims 7, 23, and 39, Klein shows providing a second reference to first instructions for the client, by the first instructions being also attached to the second block of information, wherein the second reference to the first instructions is for causing the client to read a third reference time, responsive to the client initiating access to a third block of information from the network, and causing the client to load the third reference time in the hidden fame (col. 3 lines 56- col. 4 line 5; col. 4 lines 62- col. 5 line 16).



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***Conclusion***

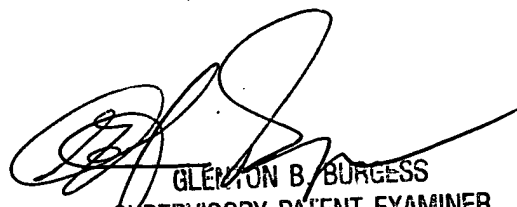
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita Choudhary  
December 10, 2004



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